

Message Text

CONFIDENTIAL

PAGE 01 STATE 149308
ORIGIN EA-06

INFO OCT-01 ISO-00 ONY-00 /007 R

DRAFTED BY EA/ROC:BJMIZEK:EDD
APPROVED BY EA/ROC:DGBROWN
DESIRED DIST: EA DISTRIBUTION ONLY
-----106003 280434Z /20
R 272122Z JUN 77
FM SECSTATE WASHDC
TO AMEMBASSY TAIPEI

C O N F I D E N T I A L STATE 149308

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, SHUM, TW

SUBJECT: HUMAN RIGHTS COUNTRY EVALUATION PLAN

1. D/HA HAS ASKED THAT DESKS PREPARE COUNTRY HUMAN RIGHTS EVALUATION PLANS. WHILE THE ULTIMATE STATUS OF THESE PLANS REMAINS UNCERTAIN, EA/ROC IS IN THE PROCESS OF DRAFTING ONE FOR TAIWAN. IN ONE SECTION, WE ARE ASKED TO DEFINE SHORT-TERM OBJECTIVES WITH RESPECT TO HUMAN RIGHTS AND TO IDENTIFY SPECIFIC STEPS THAT WOULD BE TAKEN OVER THE COMING YEAR TO MOVE TOWARDS THOSE OBJECTIVES. AS THE EMBASSY MAY ULTIMATELY HAVE TO CARRY OUT THIS PLAN, WE WOULD APPRECIATE YOUR COMMENTS ON OUR FIRST DRAFT WHICH IS PROVIDED BELOW. WHILE OUR DRAFT IS LARGELY A CODIFICATION OF OUR ACTIONS OVER THE PAST YEAR, IT DOES DEFINE A SOMEWHAT MORE ACTIVIST ROLE IN THE HUMAN RIGHTS FIELD. YOU SHOULD NOT HESITATE TO MAKE CHANGES OR TO PROPOSE ENTIRELY DIFFERENT OBJECTIVES. FINALLY, WE WOULD APPRECIATE

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 149308

YOUR ASSESSMENT OF HOW THE ROC -
WOULD REACT SHOULD WE PROCEED ALONG LINES PROPOSED IN DRAFT.

2. (BEGIN DRAFT):

I. INTEGRITY OF THE PERSON:

A. ISSUE: PROLONGED DETENTION WITHOUT FORMAL CHARGES: PERSONS SUSPECTED OF SEDITION ARE DETAINED, OFTEN INCOMMUNICADO, FOR WEEKS AND AT TIMES MONTHS WITHOUT FORMAL CHARGES BEING FILED AGAINST THEM. NORMAL HABEUS CORPUS PROCEDURES ARE IN FACT NOT APPLIED TO SEDITION SUSPECTS. THIS PRACTICE TERRORIZES THE SUSPECT, HIS FAMILY AND ASSOCIATES, FACILITATES CRUEL TREATMENT OF DETAINEES AND INHIBITS OTHERS FROM EXERCISING FREE SPEECH AND POLITICAL RIGHTS.

OBJECTIVE: TO ENCOURAGE THE ROC TO APPLY ITS HABEUS CORPUS PROCEDURES TO THOSE SUSPECTED OF SEDITION, GIVING PROMPT NOTIFICATION OF CHARGES AND ALLOWING VISITS BY FAMILY AND ACCESS TO COUNSEL DURING DETENTION.

RECOMMENDED ACTIONS:

-- PRIVATELY ENCOURAGE ROC OFFICIALS TO MOVE IN THIS DIRECTION.

-- IF AN APPROPRIATE OPPORTUNITY ARISES, STATE OUR VIEWS ON DETENTION WITHOUT CHARGES PUBLICLY ALONG THE LINES OF THE DEPARTMENT'S JUNE 14 TESTIMONY.

-- WHEN AN INDIVIDUAL IS DETAINED WITHOUT CHARGES AND WHEN THERE IS NO IMPLICATION OF TERRORISM, THE EMBASSY
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 149308

SHOULD SEEK INFORMATION ON THE CASE FROM WILLING RELATIVES AND ASSOCIATES AS A MEANS OF CONVEYING TO THE ROC OUR CONCERN ON THIS ISSUE.

-- IN THOSE INSTANCES IN WHICH A DETAINEE HAS RELATIVES WHO ARE U.S. CITIZENS OR PERMANENT RESIDENTS AND IN WHICH THERE IS NO IMPLICATION OF TERRORISM, THE EMBASSY WILL ACTIVELY PRESS ROC FOR INFORMATION ON CHARGES.

-- BRING AMERICAN LEGAL SPECIALISTS TO TAIWAN UNDER USIS AUSPICES TO DISCUSS THE IMPORTANCE OF DUE PROCESS IN DEMOCRATIC SOCIETIES.

-- IF AN APPROPRIATE CASE PRESENTS ITSELF, MAKE A PRESENTATION TO THE ROC ABOUT USE OF TORTURE AND CRUEL TREATMENT TOWARD DETAINEES.

B. ISSUE: TREATMENT OF POLITICAL PRISONERS:
THE TREATMENT OF PRISONERS HAS IMPROVED IN RECENT YEARS AS A RESULT OF GREATER INTERNATIONAL CONCERN FOR PARTICULAR PRISONERS. HOWEVER, THE SITUATION COULD BE IMPROVED AND EFFORTS TO THIS END WOULD BE DEEPLY APPRECIATED BY THOSE

WHOSE HUMAN RIGHTS HAVE BEEN INFRINGED AND BY THEIR FAMILIES.

OBJECTIVE: TO IMPROVE PRISON CONDITIONS OF
POLITICAL PRISONERS.
RECOMMENDED ACTION:

-- DEVELOP MORE INFORMATION BY ASKING GROC FOR ITS
CURRENT LIST OF POLITICAL PRISONERS; SEEK DETAILS ABOUT
THEIR PLACES OF IMPRISONMENT.

-- CONTINUE INQUIRIES ABOUT HEALTH AND WELL BEING
OF SPECIFIC PRISONERS, EXCEPT THOSE CHARGED WITH TERRORIST
ACTS.
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 149308

-- ARRANGE FOR EMBASSY OFFICERS TO VISIT PRISON
FACILITIES WHERE POLITICAL PRISONERS ARE HELD, INCLUDING
GREEN ISLAND.

-- ENCOURAGE AMERICAN CONGRESSMEN TO TAKE UP PRE-
MIER CHIANG'S OFFER OF ACCESS TO PRISONS.

-- IF A U.S. CITIZEN OR PERMANENT RESIDENT RELATIVE
OF A POLITICAL PRISONER ASKS FOR EMBASSY ASSISTANCE ON A
LEGITIMATE MATTER CONCERNING THE WELL BEING OF A POLITICAL
PRISONER, EXCEPT THOSE CONVICTED OF TERRORIST ACTS, ASK
THE ROC TO ARRANGE FOR AN EMBASSY OFFICER TO VISIT THE PRISONER.

-- URGE AN INTERNATIONAL ORGANIZATION, PROBABLY
AMNESTY INTERNATIONAL, TO TAKE UP THE ROC'S OFFER TO FACIL-
ITATE AN IMPARTIAL INTERNATIONAL REVIEW OF THE POLITICAL
PRISONER SITUATION.

II. CIVIL AND POLITICAL LIBERTIES:

A. ISSUE: FREE SPEECH, FREE PRESS:

MARTIAL LAW GIVES THE GROC THE AUTHORITY TO LIMIT FREEDOM
OF SPEECH AND OF THE PRESS. THE GOVERNMENT CONDUCTS POST-
PUBLICATION CENSORSHIP AND RECALLS ARTICLES AND PUBLICA-
TIONS THAT OPPOSE BASIC NATIONAL POLICY. IT HAS BANNED AND
REORGANIZED CERTAIN OUTSPOKEN PERIODICALS. THE GOVERNMENT
CENSORS FOREIGN PUBLICATIONS, BUT IN RECENT YEARS HAS AL-
LOWED SOMEWHAT FREER ACCESS TO INFORMATION ABOUT OVERSEAS
DEVELOPMENTS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 05 STATE 149308

OBJECTIVE: TO ENCOURAGE THE ROC TO LESSEN ITS RESTRICTIONS ON FREEDOM OF SPEECH AND THE PRESS.

RECOMMENDED ACTIONS:

-- PRIVATELY URGE THE ROC TO RELAX RESTRICTIONS.

-- COMMENT PUBLICLY ON THE IMPORTANCE OF AN ACTIVE, FREE PRESS IN A DEMOCRATIC SOCIETY.

-- HAVE EMBASSY OFFICERS ASSOCIATE MORE OPENLY WITH NON-VIOLENT CRITICS OF THE GROC; TAKE STEPS TO CLEARLY DISSOCIATE USG FROM THOSE WHO ADVOCATE VIOLENCE.

-- URGE ROC TO RELAX ITS CENSORSHIP OF U.S. PUBLICATIONS.

-- IF AN APPROPRIATE CASE ARISES, MAKE REPRESENTATIONS TO THE ROC ABOUT THEIR CENSORSHIP OF U.S. PUBLICATIONS OR ABOUT UNREASONABLE RESTRICTIONS ON U.S. CITIZEN REPORTERS IN THE ROC.

-- INVOLVE AMERICAN MEDIA EXECUTIVES VISITING TAIWAN IN PROGRAMS TO PROMOTE GROC UNDERSTANDING OF THE ROLE OF A FREE PRESS.

B. ISSUES: MILITARY COURT TRIALS OF CIVILIANS:

EVEN THOUGH THERE HAS BEEN NO SIGNIFICANT COMBAT SINCE 1958, THE ROC BELIEVES THAT THE CONTINUING STATE OF CIVIL WAR REQUIRES THE MAINTENANCE OF THE MARTIAL LAW. UNDER MARTIAL LAW, A WIDE VARIETY OF CRIMES CAN BE TRIED IN MILITARY COURTS. DESPITE THE ADEQUACY OF CIVIL COURTS, THE GOVERNMENT CONTINUES TO TRY CIVILIANS SUSPECTED OF CERTAIN CRIMES, INCLUDING SEDITION, IN MILITARY COURTS. CHANGING THIS PRACTICE WOULD MOVE TAIWAN SIGNIFICANTLY FORWARD

CONFIDENTIAL

CONFIDENTIAL

PAGE 06 STATE 149308

TOWARD A MORE OPEN POLITICAL SYSTEM.

OBJECTIVE: TO ENCOURAGE THE GROC TO MODIFY THE APPLICATION OF THE MARTIAL LAW SO THAT ALL CIVILIANS, INCLUDING THOSE SUSPECTED OF SEDITION, WILL BE TRIED IN CIVIL COURTS.

RECOMMENDED ACTION:

-- PRIVATELY URGE ROC OFFICIALS TO REEVALUATE THE MARTIAL LAW AND TO TRY ALL CIVILIANS IN CIVIL COURTS, ARGUING THAT CIRCUMSTANCES HAVE CHANGED SINCE THE IMPOSITION OF MARTIAL LAW IN 1948 AND THAT CIVILIAN COURTS CAN HANDLE EVEN SEDITION CASES IN A MANNER THAT DOES NOT UNDERMINE ROC SECURITY.

-- USE THIS SAME LINE IN PRIVATE DISCUSSIONS WITH A BROAD RANGE OF POLITICALLY AWARE GROUPS.

-- ENCOURAGE VISITING AMERICAN LEADERS, INCLUDING MEMBERS OF CONGRESS, TO EXPRESS TO ROC OFFICIALS THE AMERICAN DISTASTE FOR MILITARY TRIALS OF CIVILIAN SUSPECTS.

-- AVOID PUBLIC STATEMENTS FOR OR AGAINST CONTINUING MARTIAL LAW AND THE MILITARY TRIAL OF CIVILIANS.

-- BRING U.S. LEGAL SPECIALISTS TO THE ROC UNDER USIS AUSPICES TO DISCUSS THE IMPORTANCE OF DUE PROCESS IN DEMOCRATIC SOCIETIES.

III. ECONOMIC AND SOCIAL RIGHTS:

CONFIDENTIAL

CONFIDENTIAL

PAGE 07 STATE 149308

THE ROC'S RECORD IN THE ECONOMIC AND SOCIAL FIELDS IS GOOD. WHILE NO SPECIFIC USG ACTIONS ARE REQUIRED, WE SHOULD GIVE DUE CREDIT TO THE ROC'S RECORD AS A MEANS OF ENCOURAGING A POSITIVE RESPONSE ON OTHER AREAS.

3. WE WOULD APPRECIATE RECEIVING YOUR RESPONSE BY COB JULY 1. PLEASE SLUG RESPONSE "EA DISTRIBUTION ONLY."

VANCE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS
Control Number: n/a
Copy: SINGLE
Sent Date: 27-Jun-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE149308
Document Source: CORE
Document Unique ID: 00
Drafter: BJMIZEK:EDD
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770229-1230
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770614/aaaaameq.tel
Line Count: 265
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 7951da75-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: ONLY
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2021435
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS COUNTRY EVALUATION PLAN
TAGS: PFOR, SHUM, TW
To: TAIPEI
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/7951da75-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009